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11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14 UNITED STATES OF AMERICA,)
15)
16 Plaintiff,)
17)
18 v.)
19)
20 Syddia Reyes aka Syddia E. Reyes)
21 aka Syddia Esther Reyes,)
22 Defendant,)
23)
24 and)
25 SaveMart Supermarkets,)
26)
27 Garnishee.)
28

Case No. C02-4425M

**WRIT OF CONTINUING
GARNISHMENT**

20 TO: Payroll Department
21 SaveMart Supermarkets
22 P.O. Box 4278
23 Modesto, CA 95352-4278

24 YOU ARE HEREBY COMMANDED TO GARNISH FOR THE BENEFIT OF
25 THE UNITED STATES OF AMERICA THE WAGES, SALARY, OR COMMISSION IN
26 YOUR CUSTODY, CONTROL, OR POSSESSION IN WHICH THE DEFENDANT-
27 JUDGMENT DEBTOR HAS AN OWNERSHIP INTEREST.

28 The name and last known address of the person who is the defendant-
judgment debtor (hereinafter "debtor") in this action and whose property is subject to

1 this Writ are as follows:

2 Syddia Reyes aka Syddia E. Reyes aka Syddia Esther Reyes
3 101 Font Blvd.
4 San Francisco, CA 94132

5 This Writ has been issued at the request of the United States of America to
6 enforce the collection of a civil judgment entered in favor of the United States against
7 the debtor for a defaulted student loan in the amount of \$3,402.63. There is a balance
8 of \$3,847.39 due on the judgment, which amount includes costs and interest
9 computed through 12/07/12.

10 The following are the steps that you must take to comply with this Writ. If you
11 have any questions, you should consult with your attorney.

12 1. Pursuant to 28 U.S.C. § 3205(c)(2)(F), if you have in your custody, control,
13 or possession any property of the debtor, including wages, salary, or commissions, in
14 which the debtor has a substantial nonexempt interest, or if you obtain custody,
15 control, or possession of such property while this Writ is in effect, you must
16 immediately withhold such property from the debtor and retain it in your possession
17 until you receive instructions from the Court which will tell you what to do with the
18 property. The United States has requested that the sum of 25% of the debtor's
19 disposable earnings, which under California law represents the nonexempt portion of
20 the debtor's earnings, be withheld from the defendant's earnings.

21 2. Pursuant to 28 U.S.C. § 3205(c)(2)(E), you are required to answer this Writ
22 within 10 days after service of this Writ upon you. You must answer the Writ even if
23 you do not have in your custody, control, or possession any property of the debtor.
24 Pursuant to 28 U.S.C. § 3205(c)(4), your answer must state, under oath, the following
25 information:

26 a. Whether or not you have in your custody, control, or possession, any
27 property owned by the debtor in which the debtor has a substantial
28 nonexempt interest, including nonexempt, disposable earnings;

- b. a description of such property and the value of such property;
- c. a description of any previous garnishments to which such property is subject and the extent to which any remaining property is not exempt; and
- d. the amount of the funds you anticipate owing to the debtor in the future and whether the period for payment will be weekly or another specified period.

For your convenience, a form which addresses the above-requested information is attached and may be used to Answer the Writ.

3. After you complete the answer under oath, pursuant to 28 U.S.C. § 3205(c)(2)(E) & (c)(4), within ten (10) days after service of this Writ upon you, you must mail or deliver the original Answer bearing the original signature of the person preparing the answer to the Court at the following address:

Clerk, United States District Court
450 Golden Gate Avenue, 16th Floor
P. O. Box 36060
San Francisco, CA 94102

At the same time that you mail or deliver the original answer to the Court, you must also mail or deliver a copy of the original Answer to both the debtor and attorney for the United States at the following respective addresses:

Syddia Reyes aka Syddia E. Reyes aka Syddia Esther Reyes
101 Font Blvd.
San Francisco, CA 94132

Michael Cosentino, Attorney at Law
P.O. Box 129
Alameda, CA 94501

Please note that the attached form Answer contains a certificate of service which needs to be completed by the person mailing the copies of the answer to the debtor and the attorney for the United States, and which needs to be filed along with the Answer.

1 IF YOU FAIL TO ANSWER THIS WRIT OR FAIL TO WITHHOLD PROPERTY
2 IN ACCORDANCE WITH THIS WRIT, THE UNITED STATES MAY PETITION THE
3 COURT FOR AN ORDER REQUIRING YOU TO APPEAR BEFORE THE COURT TO
4 ANSWER THE WRIT AND TO WITHHOLD PROPERTY IN ACCORDANCE WITH
5 THE WRIT BEFORE THE APPEARANCE DATE. IF YOU FAIL TO APPEAR OR DO
6 APPEAR AND FAIL TO SHOW GOOD CAUSE WHY YOU FAILED TO COMPLY
7 WITH THIS WRIT, THE COURT WILL ENTER A JUDGMENT AGAINST YOU FOR
8 THE VALUE OF THE DEBTOR'S NONEXEMPT INTEREST IN SUCH PROPERTY
9 (INCLUDING NONEXEMPT DISPOSABLE EARNINGS). THE COURT MAY ALSO
10 AWARD A REASONABLE ATTORNEY'S FEE TO THE UNITED STATES AND
11 AGAINST YOU IF THE WRIT IS NOT ANSWERED WITHIN THE TIME SPECIFIED
12 HEREIN AND IF THE UNITED STATES FILES A PETITION REQUIRING YOU TO
13 APPEAR.

14 RICHARD W. WIEKING, Clerk
15 United States District Court
16 for the Northern District of California

17 Dated: 1-3-13

By: 

Deputy Clerk

GLORIA ACEVEDO

DO NOT WITHHOLD THE EXEMPT PORTION OF THE EMPLOYEE'S EARNINGS

1. Earnings include any money (whether called wages, salary, commissions, bonuses, or anything else) paid for personal services, pension, or retirement. Vacation or sick pay is earnings subject to withholding as it is *received* by the employee.

2. Disposable earnings are different from gross pay or take-home pay. They are the earnings left after deducting the part which state or federal law requires an employer to withhold as mandatory deductions. Generally, these mandatory deductions are federal income tax, social security (FICA) tax, state income tax, state disability insurance, and payments to public employee retirement systems. Disposable earnings can change from pay period to pay period, whenever gross pay or required deductions change.

To determine earnings that¹ are eligible for withholding, and therefore must be withheld, see the chart below.

USE THE CHART BELOW TO DETERMINE NONEXEMPT DISPOSABLE EARNINGS AND THE APPLICABLE WITHHOLDING AMOUNT¹:

Pay Period:	Weekly or oftener	Every 2 weeks	Twice a month	Once a month
Disposable earnings:	\$ 0 to \$217.50	\$ 0 to \$435.00	\$ 0 to \$471.25	\$ 0 to \$942.50
Withhold:	Nothing (entire earnings are exempt)			
Disposable earnings:	\$217.51 to \$290.00	\$435.01 to \$580.00	\$471.26 to \$628.33	\$942.51 to \$1,256.67
Withhold:	Amt. over \$217.50	Amt. over \$435.00	Amt. over \$471.25	Amt. over \$942.50
Disposable earnings:	\$290.01 or more	\$580.01 or more	\$628.34 or more	\$1,256.68 or more
Withhold:	25% of disposable earnings (balance is exempt)			

¹Based on the Federal Minimum Wage Earnings of \$7.25 an hour, effective 07/24/2009